

United States Patent and Trademark Office  
- Sales Receipt -

10/25/2005 ASINGLET 00000002 012213 10756219

01 FC:1201 200.00 DA

fel



Case No. 4696C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SANDELL, Donald R.

Serial No.: 10/756,219

Filed: January 12, 2004

For: DEVICE AND METHOD FOR  
THERMAL CYCLING

Confirmation No.: 1150

) Group Art Unit: 1744

) Examiner: William H. Beisner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Deposit: October 17, 2005

Signature: *Cheri Gomez*

Type Name of Depositing Party: Cheri Gomez

**AMENDMENT AND RESPONSE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant thanks Examiner for interviewing this case on October 12, 2005. Further to the Office Action mailed July 27, 2005, Applicant refiles a terminal disclaimer for this application with respect to U.S. Pat. No. 6,677,151 along with this amendment. The refiled terminal disclaimer includes a corporate authorization document. Request reconsideration based on the submission of this response.

**The Claims** are reflected in the Listing of Claims section that begins on page 2 of this paper.

**Response** is reflected in the Remarks and Argument sections that begin on page 6 of this paper.

*fel*

not providing a reasonable expectation of success, the combination of these references fails the second prong of the prima facie case of obviousness.

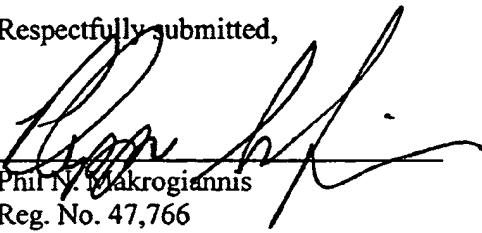
Based on the arguments above traversing the prima facie case of obviousness, reconsideration of the pending claims is requested.

**Fee Authorization**

Should any extension of time and/or fee be necessary for timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 4696C1)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Date: October 17, 2005

Respectfully submitted,



Phil N. Makrogiannis  
Reg. No. 47,766  
Attorney for Applicants

**CORRESPONDENCE ADDRESS**

Customer Number: 22896  
APPLERA CORPORATION  
Applied Biosystems Group  
Patent Department – M/S 432-2  
850 Lincoln Centre Drive  
Foster City, California 94404  
TEL: 650-554-2164  
FAX: 650-638-6677

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number <b>10/756219</b>																																									
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p><b>RCE</b> <b>5-20-05</b></p> </div> <div style="width: 40%; text-align: center;"> <p><b>CLAIMS AS FILED - PART I</b></p> <p>(Column 1)                      (Column 2)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">FOR</th> <th style="width: 30%;">NUMBER FILED</th> <th style="width: 30%;">NUMBER EXTRA</th> </tr> </thead> <tbody> <tr> <td>BASIC FEE (37 CFR 1.18(a))</td> <td></td> <td></td> </tr> <tr> <td>TOTAL CLAIMS (37 CFR 1.18(c))</td> <td>9 minus 20</td> <td>=</td> </tr> <tr> <td>INDEPENDENT CLAIMS (37 CFR 1.18(b))</td> <td>2 minus 3</td> <td>=</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(d))</td> </tr> </tbody> </table> <p><small>* If the difference in column 1 is less than zero, enter "0" in column 2.</small></p> </div> <div style="width: 20%; text-align: center;"> <p><b>SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">FEE</th> </tr> </thead> <tbody> <tr> <td></td> <td>\$</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL</td> <td></td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>OR</b></p> <p><b>OTHER THAN SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">FEE</th> </tr> </thead> <tbody> <tr> <td></td> <td>\$ 790.00</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL</td> <td>790.00</td> </tr> </tbody> </table> </div> </div>							FOR	NUMBER FILED	NUMBER EXTRA	BASIC FEE (37 CFR 1.18(a))			TOTAL CLAIMS (37 CFR 1.18(c))	9 minus 20	=	INDEPENDENT CLAIMS (37 CFR 1.18(b))	2 minus 3	=	MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(d))			RATE	FEE		\$	X \$	=	X \$	=	+ \$	=	TOTAL		RATE	FEE		\$ 790.00	X \$	=	X \$	=	+ \$	=	TOTAL	790.00	
FOR	NUMBER FILED	NUMBER EXTRA																																												
BASIC FEE (37 CFR 1.18(a))																																														
TOTAL CLAIMS (37 CFR 1.18(c))	9 minus 20	=																																												
INDEPENDENT CLAIMS (37 CFR 1.18(b))	2 minus 3	=																																												
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.18(d))																																														
RATE	FEE																																													
	\$																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL																																														
RATE	FEE																																													
	\$ 790.00																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL	790.00																																													
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p><b>CLAIMS AS AMENDED - PART II</b></p> <p>(Column 1)                      (Column 2)                      (Column 3)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">AMENDMENT A</th> <th style="width: 20%;">CLAIMS REMAINING AFTER AMENDMENT</th> <th style="width: 10%;">MINUS</th> <th style="width: 20%;">HIGHEST NUMBER PREVIOUSLY PAID FOR</th> <th style="width: 10%;">PRESENT EXTRA</th> </tr> </thead> <tbody> <tr> <td>Total (37 CFR 1.18(c))</td> <td>18</td> <td>Minus</td> <td>20</td> <td>=</td> </tr> <tr> <td>Independent (37 CFR 1.18(b))</td> <td>4</td> <td>Minus</td> <td>3</td> <td>= 1</td> </tr> <tr> <td colspan="5">FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))</td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td></td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>OR</b></p> <p><b>OTHER THAN SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>= 200.00</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td>200.00</td> </tr> </tbody> </table> </div> </div>							AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	Total (37 CFR 1.18(c))	18	Minus	20	=	Independent (37 CFR 1.18(b))	4	Minus	3	= 1	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))					RATE	ADDITIONAL FEE	X \$	=	X \$	=	+ \$	=	TOTAL ADD'L FEE		RATE	ADDITIONAL FEE	X \$	=	X \$	= 200.00	+ \$	=	TOTAL ADD'L FEE	200.00
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA																																										
Total (37 CFR 1.18(c))	18	Minus	20	=																																										
Independent (37 CFR 1.18(b))	4	Minus	3	= 1																																										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL ADD'L FEE																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	= 200.00																																													
+ \$	=																																													
TOTAL ADD'L FEE	200.00																																													
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p><b>AMENDMENT B</b></p> <p>(Column 1)                      (Column 2)                      (Column 3)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">AMENDMENT B</th> <th style="width: 20%;">CLAIMS REMAINING AFTER AMENDMENT</th> <th style="width: 10%;">MINUS</th> <th style="width: 20%;">HIGHEST NUMBER PREVIOUSLY PAID FOR</th> <th style="width: 10%;">PRESENT EXTRA</th> </tr> </thead> <tbody> <tr> <td>Total (37 CFR 1.18(c))</td> <td></td> <td>Minus</td> <td></td> <td>=</td> </tr> <tr> <td>Independent (37 CFR 1.18(b))</td> <td></td> <td>Minus</td> <td></td> <td>=</td> </tr> <tr> <td colspan="5">FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))</td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td></td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>OR</b></p> <p><b>OTHER THAN SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td></td> </tr> </tbody> </table> </div> </div>							AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	Total (37 CFR 1.18(c))		Minus		=	Independent (37 CFR 1.18(b))		Minus		=	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))					RATE	ADDITIONAL FEE	X \$	=	X \$	=	+ \$	=	TOTAL ADD'L FEE		RATE	ADDITIONAL FEE	X \$	=	X \$	=	+ \$	=	TOTAL ADD'L FEE	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA																																										
Total (37 CFR 1.18(c))		Minus		=																																										
Independent (37 CFR 1.18(b))		Minus		=																																										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL ADD'L FEE																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL ADD'L FEE																																														
<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p><b>AMENDMENT C</b></p> <p>(Column 1)                      (Column 2)                      (Column 3)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">AMENDMENT C</th> <th style="width: 20%;">CLAIMS REMAINING AFTER AMENDMENT</th> <th style="width: 10%;">MINUS</th> <th style="width: 20%;">HIGHEST NUMBER PREVIOUSLY PAID FOR</th> <th style="width: 10%;">PRESENT EXTRA</th> </tr> </thead> <tbody> <tr> <td>Total (37 CFR 1.18(c))</td> <td></td> <td>Minus</td> <td></td> <td>=</td> </tr> <tr> <td>Independent (37 CFR 1.18(b))</td> <td></td> <td>Minus</td> <td></td> <td>=</td> </tr> <tr> <td colspan="5">FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))</td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td></td> </tr> </tbody> </table> </div> <div style="width: 20%; text-align: center;"> <p><b>OR</b></p> <p><b>OTHER THAN SMALL ENTITY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">RATE</th> <th style="width: 20%;">ADDITIONAL FEE</th> </tr> </thead> <tbody> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>X \$</td> <td>=</td> </tr> <tr> <td>+ \$</td> <td>=</td> </tr> <tr> <td>TOTAL ADD'L FEE</td> <td></td> </tr> </tbody> </table> </div> </div>							AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	Total (37 CFR 1.18(c))		Minus		=	Independent (37 CFR 1.18(b))		Minus		=	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))					RATE	ADDITIONAL FEE	X \$	=	X \$	=	+ \$	=	TOTAL ADD'L FEE		RATE	ADDITIONAL FEE	X \$	=	X \$	=	+ \$	=	TOTAL ADD'L FEE	
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA																																										
Total (37 CFR 1.18(c))		Minus		=																																										
Independent (37 CFR 1.18(b))		Minus		=																																										
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.18(d))																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL ADD'L FEE																																														
RATE	ADDITIONAL FEE																																													
X \$	=																																													
X \$	=																																													
+ \$	=																																													
TOTAL ADD'L FEE																																														

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.